

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 250

HOUSE BILL 2671

AN ACT

AMENDING SECTION 28-3006, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-864; RELATING TO ANATOMICAL GIFTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-3006, Arizona Revised Statutes, is amended to read:

28-3006. Driver license and nonoperating identification license applications; organ donation preference; reimbursement; definition

A. The director shall establish procedures:

1. To allow a person applying for a driver license, permit or nonoperating identification license pursuant to this chapter to indicate during the application process the person's preference to be an organ donor. AN INDICATION THAT THE APPLICANT WISHES TO BE AN ORGAN DONOR IS CONSIDERED TO BE A DOCUMENT OF GIFT.

2. For the release of information contained in the driving record of a person who EXECUTES A DOCUMENT OF GIFT THAT indicates a preference to be an organ donor if the release is for the purpose of being registered in the donor registry maintained pursuant to section 36-858.

B. The department shall not implement this section unless the organ procurement organization that is located in this state and that meets the requirements of section 371 of the public health service act (58 Stat. 682; 42 United States Code section 273) provides adequate funding to the department to cover the costs the department will incur in implementing this section.

C. FOR THE PURPOSES OF THIS SECTION, "DOCUMENT OF GIFT" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-841.

Sec. 2. Title 36, chapter 7, article 3, Arizona Revised Statutes, is amended by adding section 36-864, to read:

36-864. Document of gift; transfer by department of transportation; requirements

EACH EXECUTED DOCUMENT OF GIFT TRANSFERRED BY THE DEPARTMENT OF TRANSPORTATION TO AN ORGAN PROCUREMENT ORGANIZATION IS PRESUMED TO BE A VALID DOCUMENT OF GIFT THAT ESTABLISHES AN ANATOMICAL GIFT FOR TRANSPLANTATION OR THERAPY IF ALL OF THE FOLLOWING APPLY:

1. THE ORGAN PROCUREMENT ORGANIZATION THAT MAINTAINS AN ANATOMICAL GIFT REGISTRY ESTABLISHED PURSUANT TO THIS ARTICLE CONTACTED EACH PERSON WHO EXECUTED THE DOCUMENT OF GIFT BEFORE THAT PERSON'S DEATH OR INCAPACITY.

2. THE PERSON HAD NOT AMENDED OR REVOKED THE ANATOMICAL GIFT BEFORE DEATH.

3. THE ORGAN PROCUREMENT ORGANIZATION PROVIDED THE PERSON WITH NOTICE OF:

(a) THE INCLUSION OF THE PERSON'S NAME IN AN ANATOMICAL GIFT REGISTRY ESTABLISHED PURSUANT TO THIS ARTICLE.

1 (b) THE OPPORTUNITY TO AMEND OR REVOKE THE ANATOMICAL GIFT.

2 (c) INSTRUCTIONS ABOUT HOW TO AMEND OR REVOKE THE ANATOMICAL GIFT.

3 Sec. 3. Emergency

4 This act is an emergency measure that is necessary to preserve the
5 public peace, health or safety and is operative immediately as provided by
6 law.

APPROVED BY THE GOVERNOR JUNE 2, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 2, 2008.